

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES E. MCCLELLAN,

Plaintiff,

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

Case No. 13-12435

HON. TERRENCE G. BERG

HON. MICHAEL J. HLUCHANIUK

/

**ORDER ADOPTING REPORT AND RECOMMENDATION (Dkt. 17)**

This matter is before the court on Magistrate Judge Michael J. Hluchaniuk's August 14, 2014 Report and Recommendation (Dkt. 17), recommending that Defendant's Motion for Summary Judgment (Dkt. 15) be GRANTED, that Plaintiff's Motion for Summary Judgment (Dkt. 11) be DENIED, and that the findings of the Commissioner be AFFIRMED.

The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. See *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). Nevertheless, the Court has carefully reviewed the Magistrate Judge's

Report and Recommendation of August 14, 2014 (Dkt. 17), and does hereby  
**ACCEPT** and **ADOPT** it as this Court's findings of fact and conclusions of law.

Accordingly, Defendant's Motion for Summary Judgment (Dkt. 15) is  
**GRANTED**, Plaintiff's Motion for Summary Judgment (Dkt. 11) is **DENIED**, and  
the decision of the Commissioner, as authored by Administrative Law Judge Henry  
Perez, Jr., is **AFFIRMED**.

**SO ORDERED.**

Dated: September 9, 2014

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

**Certificate of Service**

I hereby certify that this Order was electronically submitted on September 9, 2014, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb  
Case Manager